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Atari Online News, Etc.
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->From the Editor's Keyboard
"~~~~~"

"Saying it like it is!"

It's difficult to imagine, but the holidays are almost upon us and we're rapidly approaching the close of yet another year! What a desolate year it's been, as well. No snow on the ground, so I guess that's a good thing! Hopefully, the season will bring some joy this year, and briefly provide some respite to this troubling year.

I have little to say this week; too many things going on and dealing with numerous issues that require attention. I'm looking forward to better days and mundane issues requiring little effort, for a change.

Until next time...

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A-ONE's Headline News
The Latest in Computer Technology News
Compiled by: Dana P. Jacobson

Plaintiff in Mexico Yahoo Case Says Open to Settlement

A plaintiff in a case against Yahoo Inc. in which a Mexico City civil court made a \$2.7 billion preliminary judgment against the U.S. firm said on Wednesday he and his partners were willing to accept a legal settlement for less.

The ruling by the 49th Civil Court of the Federal District of Mexico City, which was issued on Friday and perplexed the tech world, involves allegations of breach of contract related to an online yellow pages listings service, according to Yahoo.

The lawsuit was brought by Worldwide Directories S.A. de C.V. and Ideas Interactivas S.A. de C.V. against Yahoo and Yahoo de Mexico, according to Yahoo.

Carlos Bazan-Canabal, who says he is a partner in both firms and is named as their strategic planning director in copies of court documents relating to the case obtained by Reuters, said the plaintiffs were prepared to

listen if Yahoo made an offer.

"If we can reach a settlement with an interesting number, we would go for it," Bazan-Canabal told Reuters, adding it could be for less than the preliminary award.

Bazan-Canabal said there were "less than five" people behind the case against Yahoo.

Yahoo believes it has "numerous" grounds to appeal against the preliminary judgment, including both errors in procedure and in application of law, a person familiar with the matter told Reuters on Monday.

Bazan-Canabal, who operates a host of websites, said he joined Yahoo in 1999 and later helped to launch Yahoo Mexico.

A Yahoo spokeswoman confirmed he worked for Yahoo Mexico, but declined to comment further.

Bazan-Canabal said the dispute centered on agreements signed between Yahoo Mexico and Ideas Interactivas between 2002 and 2004 over a business venture for an online business search function "Yahoo! Paginas Utiles" as well as printed volumes.

After initial success with the project, the two sides agreed to extend the model to other parts of the world including Puerto Rico, Central America, Australia and Japan, but Yahoo later broke the deal unilaterally, Bazan-Canabal said.

The joint agreement had been due to last until 2009, with options to extend it further, he added. Breaking the deal caused Ideas Interactivas to go bankrupt, Bazan-Canabal said.

Worldwide Directories had earlier been set up as a holding company for Ideas Interactivas, he added.

Any appeal by Yahoo is expected to be heard by a panel of three judges in a superior court in Mexico City.

Yahoo's most recent 10Q filing, which lists major ongoing legal proceedings, makes no mention of the lawsuit.

A JPMorgan analyst said the judgment, if sustained, would cost the company an estimated 40 percent of its 2012 cash balance, as projected by the bank.

Facebook Just Realized It Made A Horrible Mistake

Facebook announced on Tuesday that it will begin opening Facebook Messenger to consumers who do not have a Facebook account, starting in countries like India and South Africa, and later rolling out the service in the United States and Europe. This is a belated acknowledgement of a staggering strategic mistake Facebook made two years ago. That is when the messaging app competition was still wide open and giants like Facebook or Google (GOOG) could have entered the competition. WhatsApp, the leading messaging app firm, had just 1 million users as late as December 2009. By the end of 2010, that number had grown to 10 million.

Right now, it likely tops 200 million, though there is no current official number on the matter.

SMS usage started peaking in countries like Netherlands in 2010. Companies like Facebook, Twitter and Google were being offered a giant new market on a silver platter with more than 3 billion consumers worldwide use texting on their phones and many of them started drifting away from basic SMS towards IP-based alternatives a few years ago. None of the behemoths saw or understood the opportunity.

They allowed the mobile messaging market to turn into a free-for-all between tiny start-ups like KakaoTalk, Kik, Viber, WhatsApp, etc. And with astonishing speed, the global market picked a winner and rallied around it. Back in early 2011, there was serious debate about the relative merits of different messaging apps and which one might ultimately edge ahead.

In December 2012, the competitive landscape is stark. Kik is not a Top 5 app in any country in the world. Viber is a Top 5 app in 21 countries, but they are countries like Barbados, Nepal and Tajikistan. WhatsApp is a Top 5 app in 141 countries, including the U.S., U.K., Germany, Brazil and India. The only real weakness of WhatsApp lies in China, Japan and South Korea, where local champions still lead. But those local apps have zero chance of breaking out of their home markets.

The mobile messaging app competition is over. It turned into a red rout sometime during late 2011 and WhatsApp has emerged as the sole beneficiary of a textbook case of the network effect.

Facebook, Google and Twitter threw away their golden chance to create an SMS killer and grab hold of a billion users globally. It would have been so easy and cheap to develop a simple texting app in 2009, leverage the current user base of any of the IT giants and then watch the app soar to global prominence.

And it is so very, very hard to do now. Dislodging WhatsApp now would mean neutralizing a smartphone market penetration advantage that is hitting 80% in some markets. People often ask me why I'm so fixated on WhatsApp and the answer is simple: it's the most popular and important mobile app in the world. And it beat Facebook, Twitter, Google and other major companies before they even realized there was an important war being waged.

Italy Tax Police Check Facebook's Books

Italian tax police have visited Facebook's Milan offices to check the books of the social networking site, part of the country's crackdown on tax evasion that has targeted Google's Italian operations as well.

Facebook Italy issued a statement Friday saying it pays taxes in Italy and takes its tax obligations here "very seriously." It added it works "closely with tax authorities in every country to ensure we are compliant with the local law" and pledged to cooperate "with the investigation of the Italian tax authority."

Last week, the Italian Treasury said Google had had undeclared earnings of 240 million (\$311 million) from 2002-2006, as well as unpaid value added tax of 96 million. Google says it's working with Italian authorities on

the audit.

Flight Attendant Out of Job After Facebook Remark

A Cathay Pacific flight attendant is out of a job after writing on her Facebook page that she wanted to throw coffee in a passenger's face because she happened to be the daughter of someone she dislikes intensely: ousted Thai Prime Minister Thaksin Shinawatra.

The flight attendant caused a stir in the Thai online communities last week for posting hostile comments about Thaksin's youngest daughter, Paetongtarn Shinawatra. She also posted a picture of Paetongtarn's seating number on a Bangkok-to-Hong Kong flight she worked on Nov. 25.

Hong Kong-based Cathay Pacific said Monday on its Thailand Facebook page that the posting of a passenger's personal information was unauthorized and against the airline's privacy rules. It said, without elaborating, that the flight attendant is "no longer an employee."

The flight attendant said in her post that she called her personal adviser to ask "if it was all right to throw something on (Paetongtarn) on this flight."

"Paetongtarn, I didn't throw coffee in her face today but she had no clue that I will keep on fighting until your clan can no longer live like fleas on the Thai soil," she wrote.

Cathay Pacific did not release the name of the flight attendant, whose Facebook handle is Honey Lochanachai. The flight attendant said Monday on Facebook that she resigned in order to take responsibility.

A message seeking comment from the Shinawatra family was not immediately returned Tuesday.

Thaksin, a divisive figure in Thai politics, was ousted in a 2006 coup and lives in self-imposed exile following a 2008 corruption conviction.

His sister Yingluck has been prime minister since last year, and her opponents say she is Thaksin's proxy. She recently survived a no-confidence vote in parliament and protests organized by Thaksin's opponents.

Construction Company, Bank, Settle Dispute Over \$345,000 Cyber Heist

A Maine construction company that sued its bank after losing \$345,000 in an online banking heist has settled its dispute after a protracted legal battle that raised questions about the bank's responsibility in protecting customer accounts against cyber fraud.

The settlement between Patco Construction and People's United Bank (formerly Ocean Bank) comes about four months after the U.S. Court of Appeals for the First Circuit faulted the bank's security measures at the time of the theft and advised the two sides to work out a compromise.

Bankinfosecurity.com, which was the first to report the settlement, quoted

Patco's co-owner Mark Patterson as saying that the bank has agreed to reimburse the company's losses from the theft. No other details of the settlement were released.

Court records show that the two sides agreed to dismiss the case on Nov. 19. Neither Patterson nor People's United responded to requests for comment on the settlement.

Patco, a family-owned construction company in Sanford, Maine, sued Ocean Bank in 2009 after online crooks believed to be operating in Europe siphoned close to \$590,000 in a series of unauthorized Automated Clearing House (ACH) transfers.

About \$243,000 was later recovered after the fraud was detected. Patco sued Ocean Bank for the remaining money claiming that the theft was the result of the bank's failure to implement reasonable security measures as defined under the Uniform Commercial Code (UCC).

The lawsuit charged Ocean Bank with negligence and breach of contract for failing to detect and stop the unauthorized ACH transfers even though they were clearly fraudulent. Patco claimed in its lawsuit that the bank should have noticed that the fraudulent transfers were for much higher amounts than the company's usual transactions and were being sent to an unfamiliar overseas bank account.

Patco also faulted Ocean Bank for not implementing stronger authentication mechanisms, such as token-based authentication and out-of-band verification, which many banks were using at the time.

Ocean Bank, for its part, blamed Patco for the loss. The bank said the thieves were able to steal the money only because Patco had allowed them to gain access to the username and password the company used to log in to its commercial banking account.

Ocean Bank insisted that it had processed the ACH requests in good faith after it had verified that the proper IDs, passwords and answers to challenge response questions were being used to conduct the transactions.

In a ruling in May 2011, a Maine Magistrate sided with Ocean Bank and recommended that the U.S. District Court in Maine grant the bank's motions for a summary dismissal of Patco's complaints.

The judge disagreed with Patco's claims about the bank's responsibility for the theft and held that it was Patco's failure to adequately protect its login credentials that had allowed the thieves to steal the money.

However, the judge conceded that Ocean Bank could have done a better job detecting the fraud. He also ruled that the bank had provided clear notice to Patco of its online authentication measures and security controls as well as the extent to which it could be held liable for any mishaps.

On appeal, the First Circuit Court of Appeals in Boston earlier this year overturned that ruling and held that the theft resulted because of Ocean Bank's poor security measures. A three-judge panel at the appellate court ruled that the bank failed to implement commercially reasonable measures to properly authenticate users during ACH transactions. The court also faulted the bank for failing to monitor for suspicious transactions or for altering customers about such transactions.

At the same time, the court held that more hearings were needed to

determine how much responsibility Patco should bear for failing to protect its login credentials and urged the two sides to work out a compromise.

The case is important because it was one of the first to raise questions about a bank's responsibility to protect customers against fraudulent ACH transfers. Over the past few years hundreds of small businesses, school districts and municipalities have been victims of the same kind of theft that hit Patco. Both the FBI and the Financial Services Information Sharing and Analysis Center (FS-ISAC) have repeatedly warned small businesses about the problem and noted that hundreds of millions of dollars have been siphoned out of the country in the past few years in this way.

The settlement still leaves unanswered the question of who should be responsibility for such breaches, said Avivah Litan, an analyst at Gartner. It does not throw light on how much protection companies have under the UCC in such circumstances, she said.

"I think the settlement proves that it's worth the banks' while to prevent these breaches and account takeovers in the first place," Litan said via email.

"No one really wins in a lawsuit involving account takeover. The banks are better equipped to prevent account takeover than their customers are, although certainly customers should institute whatever security measures they have access to," she added.

Microsoft May Let Other Retailers Sell The Surface After All

Microsoft's current strategy for selling its Surface tablet is puzzling to say the least. The company only offers its flagship tablet online or from one of its 32 Microsoft Stores throughout the United States and Canada. According to a predominate Microsoft blogger, however, the company may soon expand the Surface tablet's availability to additional retail outlets. Paul Thurrott of Windows IT Pro has been informed by one of his most trusted sources that the Windows RT version of the Surface will be offered in traditional brick-and-mortar locations within days.

The company will reportedly offer the device in retail stores overseas due to the lack of Microsoft Store locations, while consumers in the U.S. and Canada are expected to see the slate in retailers such as Best Buy (BBY) and Staples (SPLS) by January.

Thurrott also noted that reports of Microsoft selling only 500,000 to 600,000 tablets are probably incorrect. His sources have told him that the device is actually selling very well and that Surface sales represent one of the few bright spots in what is becoming an increasingly dire late-2012 launch season.

Commission Fines Producers of TV and Computer Monitor Tubes

The European Commission has fined seven international groups of companies a total of 1 470 515 000 for participating in either one or both of two distinct cartels in the sector of cathode ray tubes ("CRT"). For almost

ten years, between 1996 and 2006, these companies fixed prices, shared markets, allocated customers between themselves and restricted their output. One cartel concerned colour picture tubes used for televisions and the other one colour display tubes used in computer monitors. The cartels operated worldwide. The infringements found by the Commission therefore cover the entire European Economic Area (EEA). Chunghwa, LG Electronics, Philips and Samsung SDI participated in both cartels, while Panasonic, Toshiba, MTPD (currently a Panasonic subsidiary) and Technicolor (formerly Thomson) participated only in the cartel for television tubes. Chunghwa received full immunity from fines under the Commission's 2006 Leniency Notice for the two cartels, as it was the first to reveal their existence to the Commission. Other companies received reductions of their fines for their cooperation in the investigation under the Commission's leniency programme.

Commission Vice President in charge of competition policy Joaquín Almunia said: "These cartels for cathode ray tubes are 'textbook cartels': they feature all the worst kinds of anticompetitive behaviour that are strictly forbidden to companies doing business in Europe. Cathode ray tubes were a very important component in the making of television and computer screens. They accounted for 50 to 70% of the price of a screen. This gives an indication of the serious harm this illegal behaviour has caused both to television and computer screen producers in the EEA, and ultimately the harm it caused to the European consumers over the years".

The two CRT cartels are among the most organised cartels that the Commission has investigated. For almost 10 years, the cartelists carried out the most harmful anti-competitive practices including price fixing, market sharing, customer allocation, capacity and output coordination and exchanges of commercial sensitive information. The cartelists also monitored the implementation, including auditing compliance with the capacity restrictions by plant visits in the case of the computer monitor tubes cartel.

Top management level meetings, dubbed "green(s) meetings" by the cartelists themselves because they were often followed by a golf game, designed the orientations for the two cartels. Preparation and implementation were carried out through lower level meetings, often referred to as "glass meetings", on a quarterly, monthly, sometimes even weekly basis. Meetings were held in various locations in Asia (Taiwan, Korea, Japan, Malaysia, Indonesia, Thailand, Hong Kong, etc.) and Europe (Amsterdam, Budapest, Glasgow, Paris, Rome). The cartels operated worldwide.

Multilateral meetings usually started with a review of demand, production, sales and capacity in the main sales areas, including Europe; then prices were discussed, including for individual customers, i.e. TV and computer manufacturers. They had therefore a direct impact on customers in the European Economic Area (EEA), ultimately harming final consumers. The cartelists were trying to address the decline of the CRT market in a collusive way, to the detriment of consumers. For example, one document recording the cartel discussions spells out clearly: "producers need to avoid price competition through controlling their production capacity".

The investigation also revealed that the companies were well aware they were breaking the law. For instance, in a document found during the Commission's inspections, a warning goes as follows: "Everybody is requested to keep it as secret as it would be serious damage if it is open to customers or European Commission". The participants were therefore taking precautions to avoid being in possession of anticompetitive documents. Some documents spelled out, for example:

"Please dispose the following document after reading it".

The fines were set on the basis of the Commission's 2006 Guidelines on fines.

In setting the level of fines, the Commission took into account the companies' sales of the products concerned in the EEA, the very serious nature of the infringement, its geographic scope, its implementation and its duration. If Chunghwa had not received full immunity, its fines would have been 8 385 000 for the TV tubes cartel and 8 594 000 for the computer monitor tubes cartel. Samsung SDI, Philips and Technicolor received reductions of fines ranging from 10 to 40% for their cooperation under the Commission's leniency programme. The reductions reflect the timing of their cooperation and the extent to which the evidence they provided helped the Commission to prove the respective cartels. One of the companies invoked its inability to pay the fine. The Commission assessed this claim under point 35 of the 2006 fines Guidelines and granted a reduction of the fine.

Apple Hires ex-Microsoft Hacker To Beef Up Operating System Security

When Apple needs talent, it knows exactly where to look first: the sea of hackers. Kristin Paget, a former Microsoft (MSFT) hacker now officially works for Apple, reports Wired. Paget, now a core operating system security researcher at Apple, was once responsible for discovering bugs in Windows Vista before Microsoft shipped it in 2007. Paget helped prevent a lot of bugs from shipping on Vista and we kid you not, was awarded with a T-shirt signed by Microsoft Vice President of Windows Development Brian Valentine that read: I delayed Windows Vista. Wired writes Paget's Vista bugs literally saved the OS from being a complete disaster.

As Macs become more popular, the once virus-free computers are becoming more and more vulnerable to attacks and malware. And given the rampant amount of circumvention on iOS, who better to hire than a hacker who enjoys searching for security flaws?

It's not clear if Paget is working on beefing up security on OS X, iOS, or both, but either way we wouldn't be surprised if you find future Apple devices more difficult to jailbreak and crack.

We hope for Paget's sake, she gets more than just a T-shirt this time.

UK Student Convicted of Denial of Service Attack

A London jury convicted a 22-year-old student and member of the hacking group Anonymous on Thursday of taking part in cyberattacks on several major companies' computer systems.

Self-described "hacktivist" Christopher Weatherhead showed no emotion after being convicted of conspiracy to impair the operation of computers. The attacks hit the sites of MasterCard, Visa, PayPal and several others. Weatherhead, who will be sentenced at a later date, could face up to 10 years in prison.

Three co-conspirators of Weatherhead pleaded guilty to the same charge in January and March.

Prosecutor Russell Tyner said Weatherhead and the others targeted companies in the music industry involved in combating Internet piracy and firms that had stopped processing online donations to the data-leaking site WikiLeaks. Tyner said the attacks cost these companies more than 3.5 million pounds (\$5.6 million).

Working under online nicknames including "Nerdo" and "NikonElite," the group hit their targets with denial-of-service attacks a technique that works by overloading a website with traffic.

They also used Facebook and Twitter to recruit followers and publicize their attacks, according to police.

The cybercrime spree focused attention on Anonymous, a loose-knit collection of Web-savvy activists and Internet pranksters many of whom have targeted governments, officials or corporations over a variety of political grievances.

Inside The Nitpicky Minds of The Twitter Typo Police

You'll spot them in status updates, blog posts, even New York Times articles. The Internet is just filthy with typos, confusing countless readers each and every day. But instead of just groaning and reading on, a legion of spelling sticklers are using Twitter to try and sweep the web clean. A few of these typo vigilantes talked with us about what drives their copyediting urges, and the responses were as intense as they were varied which makes sense, because those going over the Internet with a red pen do so for many different reasons.

Take @YourInAmerica, a hilarious account that's been getting lots of press and sets out to expose the hypocrisy of xenophobes telling immigrants to learn English when they themselves don't know the difference between "your" and "you're." Some accounts get their trollish kicks by playing up the "fascism" of their prescriptivism. And others, like @StealthMountain, do it for the LOLz. This account robotically corrects people who misspell "sneak peek" as "sneak peak." Its main timeline is incredibly predictable, but @StealthMountain's favorited Tweets, which collect abusive comebacks from the corrected parties, are amazing:

@stealthmountain no fuck you it was word play because I'm going to the top of a mountain tomorrow your grammar nazi bitch

Mike Leary (@Learys_Done) September 28, 2012

The common gripe from the typo hounds seems to be a growing frustration with how sloppy online reporting has become. Curtis Gibby the 31-year-old Utahan and Mormon father of four who mans the @badapostrophes handle is a loyal Wired reader, but typos in the magazine's blog posts never cease to irk him. "This is a media property run by Conde Nast, and they can't get it together enough to keep a few bad apostrophes out of their stories?" he fumes over email. As someone who's been nitpicking copy since his days on a student newspaper, Gibby says, "I left journalism four years ago for greener pastures as a programmer, but I haven't ever gotten rid of the red-pen bug."

Gibby's corrections can leave a sting, but other typo spotters take a gentler approach. One account well known to Atlantic Wire writers who've committed a typo or two (or three) is @fiercek, the Twitter presence of a 29-year-old Virginian who says she's not out to shame anyone over a slip-up. As someone who's been scrutinized by her, I can confirm that @fiercek couldn't be nicer about calling writers out. "Each typo I find is, on some level, meant to be a compliment to the author and organization I'm talking to," she says. "When I find a typo, it means that I was interested enough in the topic to click on the link and actually read the content with enough attention to notice the error."

The woman behind @SnarkyGrammar, who is a New Yorker and mother of three but also asked not to be identified by name, says she isn't out for blood, either. "My snark is worse than my bite," she writes. She started her blog and accompanying Twitter handle as an irreverent grammar guide for teens, and says, "I'm not interested in embarrassing anyone." But some of their finds turn out embarrassing nonetheless. Perhaps the best typo @fiercek recently caught came from Pitchfork's take on the new Mountain Goats album. The reviewer meant to write "indulge" but added an extra 'd,' taking the as-of-yet-uncorrected sentence in an unintentionally gross direction:

.@pitchforkmedia @lindsayzoladz @amattwhitejoint @mountain_goats and boy is the 1st google search result for *induldge* NSFW !
KDC (@fiercek) October 2, 2012

Are you feeling lucky, curious types?

So what kind of person makes it a personal mission to copyedit the entire Internet? No, the Twitter police are not all laid-off copy editors with way too much free time on their hands. But they do all share an editorial background in one way or another (@fiercek proofreads an employee newsletter, Gibby posted stories online for a local TV station, and @SnarkyGrammar has held writing and editing positions at various magazines).

Twitter provides the perfect platform for these part-time proofreaders. They like its immediacy, the way it lets them hold writers' feet to the fire. After all, most if not all modern journos have active Twitter accounts and constantly check their mentions. If a public Tweet about their gaffe turns up in that column, they're bound to notice. In Gibby's experience, most of them grudgingly appreciate the criticism. "Many writers seem slightly off-put that someone's calling them out, but happy enough to correct their error," he says. "On the other hand, one writer told me that I was being cruel and 'damaging [her] online profile.'"

We don't see it that way. As online newsrooms get more agile and lean, copyediting sometimes fall by the wayside. The news cycle has more speed and heft than ever before, but sometimes those strides come at the expensive of spotless copy. So as long as these Twitter users want to call us out on the typos we fail to notice ourselves, we'll gladly take the extra set of eyes.

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